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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

Case No. 3:23-md-03084-CRB

**DECLARATION OF MICHAEL B.  
SHORTNACY IN SUPPORT OF  
DEFENDANTS UBER TECHNOLOGIES,  
INC., RASIER, LLC, AND RASIER-CA,  
LLC'S ADMINISTRATIVE MOTION TO  
SEAL EXHIBITS IN SUPPORT OF  
OPPOSITION TO MOTION TO COMPEL  
CUSTODIAL DISCOVERY**

This Document Relates to:

ALL ACTIONS

Judge: Hon. Lisa J. Cisneros

Courtroom: G – 15th Floor

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**DECLARATION OF MICHAEL B. SHORTNACY**

I, Michael B. Shortnacy, declare pursuant to 28 U.S.C. § 1746:

1. I am a partner at the law firm of Shook, Hardy & Bacon LLP, attorneys of record for Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC, (collectively, “Uber”). I am a member in good standing of the Bar of the State of California, the State of New York, and the District of Columbia. I know the following facts to be true of my own knowledge, except those matters stated to be based on information and belief, and if called to testify, I could competently do so.

2. I have reviewed Exhibits A and B to my Declaration in Support of Uber’s Opposition to Plaintiffs’ Motion to Compel Custodial Discovery, as well as the declarations of Frank Chang, Henry Gustav Fuldner, and Matt Kallman. These exhibits contain highly confidential, sensitive non-public information including personally identifiable information.

3. Exhibit A to my Declaration in Support of Uber’s Opposition to Plaintiffs’ Motion to Compel Custodial Discovery is a chart created by Uber that lists 18 current and former Uber Employees by name, title, dates of employment, and non-public internal job responsibilities, whom Uber proposes as ESI custodians in this Action.

4. Exhibit B to my Declaration in Support of Uber’s Opposition to Plaintiffs’ Motion to Compel Custodial Discovery is a chart created by Uber that contains commercially sensitive non-public information that would harm Uber’s marketplace standing if sealing is denied, as well as personal identifying information. The document incorporates information from confidential information produced by Uber in this litigation.

5. The Declaration of Frank Chang in Support of Opposition to Plaintiffs’ Motion to Compel Custodial Discovery is a document created by an Uber employee for this litigation that contains commercially sensitive non-public information that would harm Uber’s marketplace standing if sealing is denied, as well as personal identifying information. The document also references Uber employees’ names, job titles, non-public information about job responsibilities, and dates of employment.

6. The Declaration of Henry Gustav Fuldner in Support of Opposition to Motion to Compel Custodial Discovery is a document created by an Uber Employee for this litigation that contains commercially sensitive non-public information that would harm Uber's marketplace standing if sealing is denied, as well as personal identifying information. The document also references current and former Uber employees' names, job titles, non-public information about job responsibilities, and dates of employment.

7. The Declaration of Matt Kallman in Support of Opposition to Motion to Compel Custodial Discovery is a document created by an Uber Employee for this litigation that contains commercially sensitive non-public information that would harm Uber's marketplace standing if sealing is denied, as well as personal identifying information. The document also references current and former Uber employees' names, job titles, non-public information about job responsibilities, and dates of employment.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 29, 2024, in Los Angeles, California.

/s/ Michael B. Shortnacy  
Michael B. Shortnacy